

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

<b>DELOIS EDMONDSON,</b>	:	
<b>Plaintiff,</b>	:	
v.	:	
<b>JOHN E. POTTER, POSTMASTER GENERAL, U.S. POSTAL SERVICE,</b>	:	<b>Civil No.: WDQ-02-2803</b>
<b>Defendant.</b>	:	

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**DEFENDANT'S MOTION TO DISMISS OR,  
IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT**

John E. Potter, Postmaster General of the United States Postal Service, defendant herein, by his attorneys, Thomas M. DiBiagio, United States Attorney for the District of Maryland, and John W. Sippel, Jr., Assistant United States Attorney for said District, hereby moves to dismiss Plaintiff's Complaint pursuant to Fed. R. Civ. P. 12(b)(6) or, in the alternative, for summary judgment in his favor pursuant to Fed. R. Civ. P. 56. For the reasons set forth more fully in Defendant's Memorandum in Support of this Motion, Plaintiff's Complaint must be dismissed, as Plaintiff has failed to state a timely claim upon which relief can be granted. Alternatively, there is no dispute as to any genuine fact and judgment must be entered in favor of Defendant.

Respectfully submitted,

Thomas M. DiBiagio  
United States Attorney

By: \_\_\_\_\_ /s/

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